

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

YAN ZHANG,

Plaintiff,

v.

ORDER

Civil File No. 06-2265 (MJD/AJB)

EQUITY OFFICE PROPERTIES TRUST,

Defendant.

Yan Zhang, pro se.

James R. Harries and David A. Orenstein, Parsinen Kaplan Rosberg & Gotlieb,
Counsel for Defendant.

This matter is before the Court on Plaintiff Yan Zhang's letter request to file a motion for reconsideration of the Court's January 3, 2007, Order. [Docket No. 69] The Court's January 3, 2007, Order [Docket No. 65] denied Zhang's Motion for Partial Summary Judgment [Docket No. 7], granted Defendant Equity Office Properties Trust's Motion for Summary Judgment or to Dismiss [Docket No. 18], and granted Defendant's Motion for Sanctions [Docket No. 36].

The Local Rules provide that a motion to reconsider can only be filed with the Court's express permission, and then, only "upon a showing of compelling circumstances." L.R. 7.1(g). The district court's decision on a motion for

reconsideration rests within its discretion. Hagerman v. Yukon Energy Corp., 839 F.2d 407, 413 (8th Cir. 1988).

Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence. Such motions cannot in any case be employed as a vehicle to introduce new evidence that could have been adduced during pendency of the summary judgment motion. The nonmovant has an affirmative duty to come forward to meet a properly supported motion for summary judgment. . . . Nor should a motion for reconsideration serve as the occasion to tender new legal theories for the first time.

Id. at 414 (citation omitted). The Court has reviewed its January 3, 2007, Order and concludes that it contains no manifest errors of law or fact.

Accordingly, based upon the records, proceedings, and files herein, **IT IS HEREBY ORDERED** that:

Plaintiff Yan Zhang's letter request to file a motion for reconsideration [Docket No. 69] is **DENIED**.

Dated: February 16, 2007

s/ Michael J. Davis
Judge Michael J. Davis
United States District Court